

AO 88 (Rev. 11/91) Summons in a Civil Action

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF NEW YORK

United States of America

Summons in a Civil Action

v.

Case Number:

Claim No. : C-63214W

Brian F. Ward

188 Montague Street
Brooklyn, NY 11201

CV 04 2836

TO:

Brian F. Ward

188 Montague Street
Brooklyn, NY 11201

AMON, J.

POLLAK, M.J.

YOU ARE HEREBY SUMMONED *and required to file with the Clerk of this Court and serve upon*

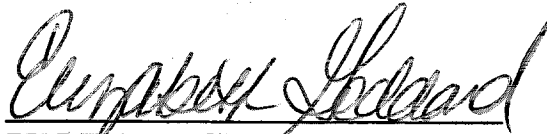
PLAINTIFF'S ATTORNEY

Liberatore J. Iannarone
Mullen & Iannarone, P.C.
Attorneys for the Plaintiff
300 East Main Street
Smithtown, NY 11787

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

DATE

ROBERT G. HEINEMANN
CLERK


BY DEPUTY CLERK

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JUL 07 2004 ★

BROOKLYN OFFICE

Claim No. : C-63214W

Civil Action No.:

Judge:

UNITED STATES OF AMERICA

vs.

Brian F. Ward

§
§
§
§

04 2836

AMON, J.

COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE: **POLLAK, M.J.**

The United States of America, plaintiff, alleges that:

Jurisdiction

1. This Court has jurisdiction over the subject matter of this application pursuant to Article III, Section 2, U.S. Constitution and 28 U.S.C. § 1345.

Venue

2. The defendant is a resident of New York state, within the jurisdiction of this Court and may be served with service of process at 188 Montague Street Brooklyn, NY 11201.

The Debt

3. The debt owed the U.S.A. is as follows:

| | |
|---|--------------------|
| A. Current Principal | \$8,975.14 |
| B. Current Capitalized Interest Balance and Accrued Interest (<i>after application of all prior payments, credits, and offsets.</i>) | \$12,809.51 |
| C. Administrative Fees, Cost, Penalties (<i>after application of all prior payments, credits, and offsets.</i>) | \$0.00 |
| Total Owed | \$21,784.65 |

The Certificate of Indebtedness, attached shows the total owed. The principal balance and the interest balance shown on the Certificate of Indebtedness is correct as of the date of the Certificate of Indebtedness after the application of all prior payments, credits, and offsets. Prejudgment interest accrues at the rate of 12.000% per annum.

Failure to Pay

4. Demand has been made upon the defendant for payment of the indebtedness, and the defendant has neglected and refused to pay the same.

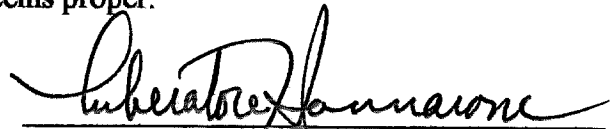
WHEREFORE, U.S.A. prays for judgment:

A. For the sums set forth in paragraph 3 above, plus pre-judgment interest through the date of judgment, all administrative costs allowed by law, and post-judgment interest pursuant to 28 U.S.C. § 1961 that interest on the judgment be at the legal rate until paid in full;

B. For such other relief which the Court deems proper.

Date: June 28, 2004

By:



**Liberatore J. Iannarone
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Attorneys for the Plaintiff
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Smithtown, NY 11787**

Tel. No. (631)361-7050

Fax No. (631)361-7354

U. S. DEPARTMENT OF EDUCATION
SAN FRANCISCO, CALIFORNIA

CERTIFICATE OF INDEBTEDNESS

Name: Brian F. Ward
Address: 1333 President St. Apt. D1
Brooklyn, NY 11213
SSN: 110-50-2477

Total debt due United States as of 07/14/97: \$ 14,287.29

I certify that Department of Education records show that the debtor named above is indebted to the United States in the amount stated above, plus additional interest on the principal balance of \$ 8,975.14 from 07/14/97 at the annual rate of 12%. Interest accrues on the principal amount of this debt at the rate of \$ 2.95 per day.

The claim arose in connection with a Government insured or guaranteed loan(s) made by a private lender and assigned to the United States.

On 07/02/85 & 09/04/84 the debtor executed promissory note(s) to secure loan(s) from First American Bank, N.A. under loan guaranty programs authorized under Title IV-B of the Higher Education Act of 1965, as amended, 20 U.S.C. 1071 et.seq (34 C.F.R. Part 682). The holder demanded payment according to the terms of the notes(s) and on 10/0/191 the debtor defaulted on the obligation.

Pursuant to 34 C.F.R. 682.202 and/or terms of the promissory note(s) the holder(s) capitalized interest accrued to the original lender in the amount of \$ 2,975.14 thereby increasing the principal balance due to \$ 8,975.14.

After application of the last voluntary payment of \$ 150.00 which was received on 07/11/95 the debtor now owes the following:

| | |
|----------------------------------|-------------|
| Principal: | \$ 8,975.14 |
| Interest: | \$ 5,312.15 |
| Administrative/Collection Costs: | \$ 0.00 |
| Penalties: | \$ 0.00 |

CERTIFICATION: Pursuant to 28 USC Section 1746, I certify under penalty of perjury that the foregoing is true and correct.

JUL 23 1997

(Date)



Loan Analyst
Litigation Branch